Appl. No. 09/450,551
Amdt. dated May 3, 2004
Reply to Office Action of February 12, 2004

<div align="center">Remarks</div>

The present amendment responds to the Official Action dated February 12, 2004. The

Official Action rejected claims 1-14 under 35 U.S.C. §112, second paragraph as being indefinite

for failing to particularly point out and distinctly claim the subject matter. Claims 1-14 were

under 35 U.S.C. 103(a) based on Bhyravabhotla U.S. Patent No. 6,411,196 (Bhyravabhotla) in

view of Edge et al. U.S. Patent No. 3,879,712 (Edge).

In response to the Section 112 rejection addressed below, claims 1, 6, and 11 have been

amended to be more clear and distinct. Claims 1-14 are presently pending.

The applicant is filing a Showing of Common Ownership in conjunction with this

amendment which together serve to exclude Bhyravabhotla as prior art under 35 U.S.C. 102(e),

and thus, 35 U.S.C. 103(a). Consequently, Bhyravabhotla is not "prior" art, the rejection based

on Bhyravabhotla and Edge should be withdrawn, and the present application should be promptly

allowed. Edge standing alone fails to teach and fails to render obvious claims 1-14.


Rejection of Claims 1-14 under Section 112, Second Paragraph

Claim 1 has been amended by deleting the "," in the preamble to clarify that an electronic

price label is being claimed. Claim 1 was also rejected because the phrase "of the memory, the

interface and the display and report" is purportedly not clear. However, the Official Action

stated that this phrase as written means "the diagnostic test may be performed on each of the

above-enumerated items." This interpretation is what the Applicant has intended. Claim 1 has

been further amended to reinforce this interpretation.

<div align="center">6</div>

Appl. No. 09/450,551
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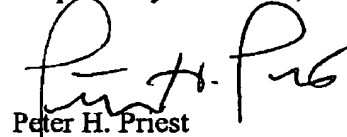Reply to Office Action of February 12, 2004

Claim 6 has been amended by replacing "establishment comprising" with the phrase

"establishment, the electronic price label system comprising" to clarify that an electronic price

label system is being claimed. Claim 6 was also rejected because the phrase "of the memory, the

interface and the display and report" is purportedly not clear. However, the Official Action

stated that this phrase as written means "the diagnostic test may be performed on each of the

above-enumerated items." Like claim 1, this interpretation is what the Applicant has intended.

To help reinforce this interpretation, claim 6 has been further amended to eliminate any

ambiguity.

Claim 11 has been amended by replacing the phrase "system, comprising" with the phrase

"system, the method comprising" to clarify that a method is being claimed. Although not stated

in the Official Action, the remaining claims were presumably rejected as being based on rejected

base claims.

Conclusion

The present rejections should be withdrawn and the claims promptly allowed.

Respectfully submitted,

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7

500.0090                                                            PATENT
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:      Bhyravabhotla

Serial No.:     09/450,551

Filed:          November 30, 1999

For:            METHODS AND APPARATUS FOR SELF-DIAGNOSING ELECTRONIC
                PRICE LABELS

Group:          3627

Examiner:       Rudy, Andrew J.

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                                        Durham, North Carolina
                                        May 3, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

## SHOWING OF COMMON OWNERSHIP
## PURSUANT TO 37 C.F.R. § 1.104(a)(5)(i)

Dear Sir:

In the Official Action mailed on February 12, 2004, claims 1-14 were rejected under 35

U.S.C. 103(a) based on Bhyravabhotla U.S. Patent No. 6,411,196 (Bhyravabhotla) in view of

Edge et al. U.S. Patent No. 3,879,712 (Edge). Bhyravabhotla issued on June 25, 2002 from an

application filed on December 4, 1998.

It is first respectfully noted that, although not explicitly set forth in the February 12, 2004

Official Action, the present rejection of claims 1-14 is statutorily based upon 35 U.S.C. § 102(e)

1

with respect to Bhyravabhotla because this patent issued after November 30, 1999, the filing date

of the present application.  35 U.S.C. § 103(c), as applicable to all applications filed on or after

November 29, 1999, states:

> Subject matter developed by another person, which qualifies as prior art
> only under one or more of subsections (e), (f), and (g) of section 102 of this title,
> shall not preclude patentability under this section where the subject matter and the
> claimed invention were, at the time the invention was made, owned by the same
> person or subject to an obligation of assignment to the same person.

At the time the present invention was made, the present invention and Bhyravabhotla,

were both owned by, or subject to an obligation of assignment to, the same person, NCR

Corporation.  Pursuant to 37 C.F.R. § 3.73(b)(1)(ii), ownership is established by submitting to

the Office a signed statement identifying the assignee, accompanied by:

> A statement specifying where documentary evidence of a chain of title
> from the original owner to the assignee is recorded in the assignment records of
> the Office (e.g., reel and frame number).

The assignment information for the present invention and Bhyravabhotla is as follows:
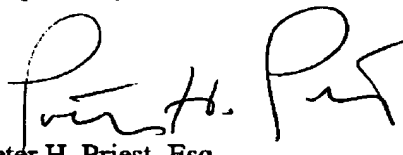
Present invention:  Reel 10421, Frames 204, recorded November 11, 1999; and

Bhyravabhotla:  Reel 9639, Frames 344, recorded December 4, 1998;

Both of these assignments convey the entire rights in the respective inventions to NCR

Corporation, a corporation of the Maryland, having its principal place of business in Dayton,

Ohio.  Thus, pursuant to 37 C.F.R. § 3.73(b)(1)(ii), it is respectfully submitted that the necessary

showing of common ownership has been made.

2

35 U.S.C. § 103(c) serves to exclude both Bhyravabhotla as prior art for the present application, because the present application was filed on November 30, 1999, a date after November 29, 1999. It is respectfully requested that the claims should be promptly allowed as addressed in a Amendment accompanying this Showing of Common Ownership.

Respectfully submitted,

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3